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Antiphon *Tetralog.* 3. 4. 3¹

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This paper deals with the initial phrase of *Tetralog.* 3. 4. 3: κοινοῦ δὲ τοῦ τεκμηρίου ἡμῖν ὄντος τούτῳ τῷ παντὶ προέχομεν. Such is the text of the manuscripts. Some scholars have proposed emendations to it. Evidently, most of them were confused by the proximity of two datives, τούτῳ and τῷ παντί. Others have defended the text as it stands in the manuscripts. At the same time, nearly all have regarded the pronoun τούτῳ as masculine and separated it from the subsequent τῷ παντί: κοινοῦ δὲ τοῦ τεκμηρίου ἡμῖν ὄντος τούτῳ, τῷ παντὶ προέχομεν. I try to show that the correct interpretation, not involving change of the manuscript reading, was proposed long ago by Johann Reiske. He regarded τούτῳ as neuter and separated τούτῳ τῷ παντὶ προέχομεν from the previous part of the phrase: κοινοῦ δὲ τοῦ τεκμηρίου ἡμῖν ὄντος, τούτῳ τῷ παντὶ προέχομεν. This interpretation makes perfect sense. It adds weight to the end of the phrase (τούτῳ τῷ παντὶ προέχομεν *versus* τῷ παντὶ προέχομεν), as τούτῳ “with the help of the following argument” points to the reason for the superiority of the defense over the prosecution. If the pronoun τούτῳ is neuter, it is opposed to τοῦ τεκμηρίου. According to this interpretation, Antiphon opposes two kinds of arguments: those using inferential evidence (τοῦ τεκμηρίου) and those using direct evidence (τούτῳ). This opposition suits the author of the *Tetralogies* just fine. Eduard Maetzner adopted Reiske’s interpretation and demonstrated that two adjacent datives with different functions, such as τούτῳ τῷ παντί, are common in Greek.

Keywords: Antiphon, Tetralogy, interpretation of the Greek phrase, Blass, Süss, Reiske, Maetzner, arguments from probability, direct evidence.

The fictitious case in Antiphon’s third Tetralogy concerns a death resulting from a fight between an old man and a young man. Both men were apparently drunk. The old man was seriously injured and ultimately died. His relatives prosecute the young man for intentional murder.

¹ I am grateful to the following people who helped me refine the English in this paper: Mark Morgan, Laurel Newsome, Lawrence Schwink.

The defendant gives up his right to a second speech and chooses to go into voluntary exile. So the fourth speech of the Tetralogy (the second for the defense) is delivered by one of his relatives, who declares that the blame for the deed rests with the initial aggressor (3, 4, 2). Then he tries to show that on this decisive issue the arguments from probability favor the defense no less than the prosecution (3, 4, 2) and proceeds with the following statement: κοινοῦ δὲ τοῦ τεκμηρίου ἡμῖν ὄντος τούτῳ τῷ παντὶ προέχομεν (3, 4, 3).² Such is the text of the manuscripts. Many scholars have not been satisfied with it, so, over time, diverse emendations have been proposed. Evidently, most of them have been provoked by the proximity of the two datives, τούτῳ and τῷ παντί. Thus, Immanuel Bekker proposed τὸ πᾶν instead of τῷ παντί.³ Hermann Sauppe preferred to change τούτῳ to τούτου.⁴ In his first edition of Antiphon, Friedrich Blass did not alter the text, but in the critical apparatus he reported the conjectures of Sauppe and Andreas Weidner.⁵ In his second edition of Antiphon, Blass inserted καὶ between ὄντος and τούτῳ and put a comma after τούτῳ.⁶ Obviously, he regarded τούτῳ as masculine and consequently separated it from the neuter τῷ παντί. Emended in this way, the phrase κοινοῦ δὲ τοῦ τεκμηρίου ἡμῖν ὄντος <καὶ> τούτῳ, τῷ παντὶ προέχομεν means “although this kind of argument⁷ supports both this man (τούτῳ)⁸ and us⁹ equally, all the advantages are on our side”. Blass’s emendation was adopted by Louis Gernet¹⁰ and Kenneth Maidment.¹¹

Wilhelm Süss, like Blass, places a comma after τούτῳ and, at the same time, rejects all proposed conjectures: κοινοῦ δὲ τοῦ τεκμηρίου ἡμῖν ὄντος τούτῳ, τῷ παντὶ προέχομεν. Then he proceeds with “Der Dativ τούτῳ ist als sociativus von κοινοῦ abhängig, daher nicht durch ein einzuschiebendes καὶ mit ἡμῖν zu verbinden oder in οὕτω oder τούτου zu verändern. Andere Verbesserungen (Tilgung von ἡμῖν¹² oder Einschub von ἐκείνου vor τοῦ τεκμηρίου,¹³ das dann dem τούτῳ τῷ παντί entsprechen sollte) erledigen sich damit von selbst”.¹⁴ Like Blass, Süss regards τούτῳ as masculine. His interpretation is very close to that of Blass. The only difference is that he dispenses with the insertion of καὶ and leaves the text of the manuscripts intact.

² The reason for the superiority (προέχομεν) is formulated in the next sentence: the witnesses say the old man started the fight.

³ Bekker 1823, 499.

⁴ Baiter, Sauppe 1839–1843, 16.

⁵ Blass 1871, IX (about the help provided by Weidner to Blass in preparing the edition) and 51. Weidner proposed changing τούτῳ to οὕτω.

⁶ Blass 1881, 53.

⁷ Here the εἰκός-arguments, i.e. arguments from probability or likelihood are meant. In a broad sense, they may be called inferential evidence.

⁸ “This man” may be either the accuser or the dead man. See below and notes 18 and 19.

⁹ ἡμῖν “us” surely means the accused and his supporters, not both sides in the trial. Cf. Jernstedt 1878, 11: “ἡμεῖς non solet in tetralogiis adversarium quoque complecti”.

¹⁰ Gernet 1923, 97.

¹¹ Maidment 1941, 138.

¹² Deletion of ἡμῖν was proposed by Victor Jernstedt: Jernstedt 1907 (this paper was originally published in 1878), 11; Jernstedt 1880, 42.

¹³ Insertion of ἐκείνου was suggested by Friedrich Pahle: Pahle 1874, 6.

¹⁴ Süss 1910, 8–9, Anm. 1.

Fernanda Decleva Caizzi, in her edition of Antiphon's Tetralogies, presents the text in the same form as Süss¹⁵ and accepts his interpretation in her commentary.¹⁶ Michael Gagarin holds the same position.¹⁷

Scholars who have adopted Blass's or Süss's interpretation have different opinions about the person referred to by τούτῳ. The translations of Gernet and Decleva Caizzi show that in τούτῳ they see the accuser.¹⁸ Maidment believes that the pronoun points to the dead man.¹⁹

Theodor Thalheim reproduces the text in the same form as the manuscripts do. Unlike Blass and Süss, he does not put a comma after τούτῳ. In the critical apparatus, he reports the conjectures of Blass, Sauppe and Bekker.²⁰ It is difficult to say exactly how he interprets the phrase.

Aside from the one put forward by Süss, there is another interpretation of the phrase that does not involve alteration of the manuscript reading. It was proposed long ago by Reiske and then developed by Maetzner. Reiske places a comma before τούτῳ: κοινοῦ δὲ τοῦ τεκμηρίου ἡμῖν ὄντος, τούτῳ τῷ παντὶ προέχομεν.²¹ In a footnote to τούτῳ, he explains: "in hoc, statim subiiciendo, praestamus adversariis, modis omnibus".²² As can be seen, Reiske regards τούτῳ ("in hoc") as neuter,²³ and he translates the phrase very freely as "Quapropter hic quidem locus communis est, non accusatori magis, quam defensori patens. At hoc argumentum nobis est sine controversia proprium, eiusque firmitate praestamus adversariis".²⁴ In a commentary, Maetzner writes: "Bekkeri τὸ πᾶν proponentis coniectura utique posthabenda est vulgatae scripturae: alter dativus τούτῳ rem, alter τῷ παντί quanto praestent indicat ... Neque dativorum in eiusmodi enuntiatis concursus refugium Graeci". At the end of his commentary on this phrase, Maetzner shows, with a few examples, that the proximity of datives with different functions, such as τούτῳ τῷ παντί, is common in Greek.²⁵ According to both Reiske and Maetzner, the phrase means "although this kind of argument supports both the accuser²⁶ and us equally, with the help of the following argument all the advantages are on our side".

There are, then, two interpretations of the phrase that do not involve change of the manuscript reading, one by Süss and the other by Reiske. Both are possible. I will try to show that the second one is preferable. Unlike the first one, it adds weight to the end of the phrase (τούτῳ τῷ παντὶ προέχομεν *versus* τῷ παντὶ προέχομεν), as τούτῳ "with the help of the following argument" points to the reason for the superiority of the defense over the prosecution. The argument is put forward in the next sentence: οἱ γὰρ μάρτυρες τοῦτόν φασιν ἄρξαι τῆς πληγῆς (3, 4, 3), "namely, the witnesses say it was the old man who started

¹⁵ Decleva Caizzi 1969, 128.

¹⁶ Decleva Caizzi 1969, 256–257.

¹⁷ Gagarin 1997, 67, 171.

¹⁸ Gernet 1923, 97; Decleva Caizzi 1969, 161.

¹⁹ Maidment 1941, 139.

²⁰ Thalheim 1914, 50.

²¹ Reiske 1773, vol. 7, 128.

²² Reiske 1773, vol. 7, 128 note 8. William Dobson, in his commentary, quotes Reiske's explanation (Dobson 1828, 81).

²³ Pahle 1874, 6 holds the same opinion.

²⁴ Reiske 1773, vol. 8, 250.

²⁵ Maetzner 1838, 193.

²⁶ The interpretation of Reiske adhered to by Maetzner presupposes that the Greek word for "the accuser" is implied here in the dative case. I think that it is τῷ διώκοντι from the previous phrase.

the fight". I think that the neuter τοῦτῳ is a dative of cause, and γάρ in the next sentence is not causal but explanatory. Explanatory γάρ is common after a forward-pointing pronoun.²⁷ In our case, τοῦτῳ is such a forward-pointing pronoun. The sentence introduced by explanatory γάρ explains which argument provides the defense with total superiority. In Reiske's interpretation, these two sentences are more closely connected than they are in Süss's.

There is yet another reason to prefer Reiske's interpretation. If τοῦτῳ is neuter, it is opposed to τοῦ τεκμηρίου.²⁸ It is the opposition of inferential evidence, i.e. εἰκός-argumentation (τοῦ τεκμηρίου) to direct evidence, i.e. eyewitness testimony (τοῦτῳ). This opposition suits the author of the Tetralogies just fine.²⁹

Reiske's interpretation is clearly preferable. It makes perfect sense, and I think it is correct. One may wonder why it has been neglected for so many years.

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В статье рассматривается первая фраза *Tetralog. 3, 4, 3*: κοινού δὲ τοῦ τεκμηρίου ἡμῖν ὄντος τοῦτῳ τῷ παντὶ προέχονεν. Это текст рукописей. Некоторые ученые исправляли его, и очевидно, что большинство было недовольно соседством двух дативов, τοῦτῳ

²⁷ Denniston 1959, 58–59, esp. 59 section (3); LSJ s. v. γάρ I. 1. b.

²⁸ This opposition was stressed by Pahle 1874, 6. Evidently he proposed adding ἐκείνου to τοῦ τεκμηρίου to make the opposition more vivid.

²⁹ Cf. Gagarin 1997, 123; Gagarin 2002, 116–118.

и τῷ παντί. Другие ученые защищали рукописное чтение. При этом почти все считали τοῦτῳ местоимением мужского рода и отделяли его от последующего τῷ παντί: κοῖνοῦ δὲ τοῦ τεκμηρίου ἡμῖν ὄντος τοῦτῳ, τῷ παντί προέχομεν. Я стараюсь показать, что правильное истолкование этой фразы, не меняющее рукописное чтение, уже давно предложил Й. Райске. Он считал τοῦτῳ местоимением среднего рода и отделял τοῦτῳ τῷ παντί προέχομεν от предыдущей части этой фразы: κοῖνοῦ δὲ τοῦ τεκμηρίου ἡμῖν ὄντος, τοῦτῳ τῷ παντί προέχομεν. Эта интерпретация дает прекрасный смысл. Конец предложения становится весомым (τοῦτῳ τῷ παντί προέχομεν *versus* τῷ παντί προέχομεν), причем τοῦτῳ «благодаря следующему доводу» указывает на причину превосходства защиты над обвинением. Если считать τοῦτῳ местоимением среднего рода, то оно противопоставлено τοῦ τεκμηρίου. Следовательно, в соответствии с этой интерпретацией Антифонт противопоставляет два рода доказательств: косвенные доказательства (τοῦ τεκμηρίου) и прямые (τοῦτῳ). Такое противопоставление как раз характерно для автора тетралогий. Э. Мецнер принял интерпретацию Райске и показал, что стечение дативов с разными функциями, подобное τοῦτῳ τῷ παντί, нормально для греческого.

Ключевые слова: Антифонт, тетралогия, интерпретация греческой фразы, Бласс, Зюсс, Райске, Мецнер, пробабилистские доводы, прямые доказательства.